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Christine Rounds  
 Typed or Printed Name of Person Sending Paper or Fee  
 Signature *Christine Rounds* Date December 22, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of )  
 Carlo A. Buzzi )  
 on TEETH CLEANING MEANS )  
 Serial No.: 10/009,148 )  
 Int'l Appln. No: PCT/CH00/00265 )  
 Int. Filing Date: May 12, 2000 )  
 Filed: November 8, 2001 ) (Our Docket No. 6722-0001WOUS)

Hartford, Connecticut, December 22, 2004

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RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
 UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/  
 ELECTED OFFICE (DO/EO/US)

Sir:

Applicant hereby petitions for a three-month extension of time under 37 C.F.R. 1.136(a) to respond to the Notice of Missing Requirements under 35 USC 371 dated February 8, 2002. In response, Applicant encloses herewith the following documents:

1. Form PCT/DO/EO/905 (return copy of Notification),

2. Original Declaration/Power of Attorney executed by inventor,
3. Copy of Decision granting Petition to Withdraw Holding of Abandonment, and
4. Check in the amount of \$575.00 covering:
  - a. \$65 surcharge for providing oath or declaration
  - b. \$510.00 for a three-month extension of time from the date of August 12, 2004; the date Applicant received Notification of Missing Requirements per Decision of USPTO.

Applicant believes no further fees are due for the filing of this response, however, please charge our Deposit Account No: 13-0235 for any additional fees required by the Notification of Missing Requirements Under 35 U.S.C. 371 and this response thereto.

Respectfully submitted,

By *Daniel G. Mackas*  
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Registration No. 38,541  
Attorney for Applicant(s)

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UNITED STATES PATENT AND TRADEMARK OFFICE

McCormick, Paulding &amp; Huber

 Commissioner for Patents, Box PCT  
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 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/009,148	FIRST NAMED APPLICANT Carlo A. Buzzi	ATTY. DOCKET NO. 6722-01WOUS
INTERNATIONAL APPLICATION NO. PCT/CH00/00265		
LA. FILING DATE 05/12/2000	PRIORITY DATE 05/15/1999	

Donald K Huber  
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 City Place II  
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 Hartford, CT 06103-3402

CONFIRMATION NO. 8473

371 FORMALITIES LETTER



Date Mailed: 02/08/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Preliminary Amendments
- Request for Immediate Examination
- Small Entity Statement

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$65 Surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

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The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65** Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

MAMIE P PERSON

Telephone: (703) 305-3737

**PART 2 - OFFICE COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/009,148	PCT/CH00/00265	6722-01WOUS

FORM PCT/DO/EO/905 (371 Formalities Notice)

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McCormick, Paulding & Huber

In re Application of BUZZI  
U.S. Application No.: 10/009,148  
PCT Application No.: PCT/CH00/00265  
Int. Filing Date: 12 May 2000  
Priority Date Claimed: 15 May 1999  
Attorney Docket No.: 6722-01WOUS  
For: TEETH CLEANING MEANS

DECISION

This is in response to applicant's "Response to Decision" filed 01 October 2004, which is being treated as a renewed petition under 37 CFR 1.181. No petition fee is due.

**BACKGROUND**

On 12 May 2000, applicant filed international application PCT/CH00/00265, which claimed priority of an earlier Switzerland application filed 15 May 1999. A copy of the international application was communicated to the USPTO from the International Bureau on 23 November 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 20 November 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired on 15 November 2001.

On 08 November 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 08 February 2002, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed. A copy of this notification is attached to this decision.

On 03 December 2003, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely file a response to the Notification of Missing Requirements.

On 24 February 2004, applicant filed a petition under 37 CFR 1.181.

On 10 August 2004, this Office mailed a decision dismissing the 24 February 2004 petition..

### DISCUSSION

According to the Official Gazette at 1156 OG 53 and MPEP 711.03(c), a petition to withdraw a holding of abandonment based on failure to receive an Office communication must include: (1) a statement by the practitioner that the Office communication was not received by the practitioner, (2) a statement by the practitioner that he searched the application file jacket and docket records and that the search indicates that the Office communication was not received, and (3) a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

With regard to item (1) above, applicant's representative has provided the required statement.

With regard to item (2) above, applicant's representative has provided the required statement.

With regard to item (3) above, applicant's representative has supplied a docket record which lists responses due to the USPTO on 08 April 2002 for all cases handled by applicant's representative. This docket record illustrates the absence of any listing of a response due to a Notification of Missing Requirements.

### CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 03 December 2003 is hereby VACATED.

A proper response to the Notification of Missing Requirements must be filed within TWO (2) MONTHS from 12 August 2004 (i.e. the date applicant received the Notification of Missing Requirements). Extensions of time are available under 37 CFR 1.136(a).

The application is being forwarded to the DO/EO/US to await applicant's response to the Notification of Missing Requirements.



Bryan Tung  
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